

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION**

<b>OLIVIA Y., et al.,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>v.</b>	)	<b>3:04-CV-251-HSO-FKB</b>
	)	
<b>TATE REEVES, as Governor of the State of Mississippi, et al,</b>	)	
	)	
<b>Defendants.</b>	)	

**DECLARATION OF MICHAEL J. BENTLEY**

Michael J. Bentley, an attorney of record in this civil action, makes this declaration under penalty of perjury and under 28 U.S.C. § 1746.

1. I am a partner in the law firm Bradley Arant Boult Cummings LLP (“Bradley) in the firm’s Jackson, Mississippi office.
2. As reflected in my law firm profile, submitted as Attachment A to this Declaration and incorporated herein, I am a 2007 summa cum laude graduate of the Mississippi College School of Law. After graduating, I clerked for one year on the United States Court of Appeals for the Fifth Circuit, for the Hon. Judge Leslie Southwick.
3. I have been at Bradley since completing my federal clerkship. Since joining Bradley, I have gained a wealth of experience practicing in state and federal trial courts and before state agencies, primarily in commercial matters. But I have focused my practice on appellate litigation. I have handled numerous

**EXHIBIT**

**4**

appeals and have argued before the Mississippi Supreme Court, the Mississippi Court of Appeals, and the U.S. Fifth Circuit Court of Appeals. I am a co-founder and former Chair of the Appellate Section of the Mississippi Bar and currently serve on the Fifth Circuit Bar Association Board of Governors.

4. During my years of law practice, I have become familiar with billing rates, billing practices, and the setting and collection of legal fees in a variety of circumstances, including cases presenting professional demands, factual and legal complexity, and risk and expense levels comparabl to the present case. I have derived this knowledge from personal experience negotiating fe agreements with sophisticated consumers of legal services, billing and collecting fees from clients in the legal marketplace, and regularly representing plaintiffs and defendants on an hourly rate basis as well as on contingent or hybrid hourly/cotingent fee agreements. I have also derived this knowledge from management responsibilities at my law firm, bar activities at the local, state, and national level, and practice experience supervising other lawyers and law firms.
5. I am familiar with my firm's policies and practices governing the recording and maintenance of time records. I am also familiar with hourly rates that Bradley Arant customarily charges for professional services. It is Bradley Arant's regular practice to bill clients for work performed by paralegals as well as lawyers. In my experience, this is standard practice among other law firms in Mississippi.

6. Attachment B to this Declaration is a compilation of billable hours devoted to this matter by Bradley Arant lawyers and paralegals from January 1, 2021 through June 30, 2021. This compilation includes charges for the legal services rendered, based on hourly rates that are discussed in paragraph 9 of this Declaration. This compilation was generated from entries created in the ordinary course of Bradley Arant's business by persons with actual knowledge of the events recorded at or about the time of those events, and which have been maintained in the ordinary course of Bradley Arant's business. I believe this compilation to be a reasonably reliable account of the work that it reflects.
7. I have supervised and managed the work of Bradley Arant personnel and have reviewed the time entries charged to this case.
8. During the period under review, legal services were performed in this case by Wayne Drinkwater, a litigation partner in our firm. Mr. Drinkwater clerked on the United States Supreme Court, has been practicing for over 43 years, and is a nationally recognized commercial and appellate litigation attorney. A copy of Mr. Drinkwater's law firm profile is attached to this Declaration as Attachment C. Jeannette Altobelli, a paralegal in our office, also performed legal services in this matter.
9. Our firm establishes standard hourly rates for legal services performed by lawyers and paralegals. My lowest established hourly rate for work performed in 2021 was \$425.00. Mr. Drinkwater's lowest established hourly rate for legal

services performed in 2021 was \$665.00. These rates are far greater than the hourly rates of \$325 and \$450, respectively, that we each seek here.

10. Because the present case does not involve representation of a commercial or corporate client, and in consideration of other factors, our firm does not seek an attorney's fee award based on the standard hourly rates described above. Nor does our firm seek reimbursement for costs or expenses incurred during the period that Attachment B covers. Based on my experience and knowledge, the fee request contained in Attachment B is fair and reasonable for the legal services performed by lawyers in Mississippi in matters of equivalent significance requiring similar skill and judgment.
11. I am generally familiar with fee requests and fee awards made in other Rule 23 cases in this judicial district. Given the risks apparent at the outset of this case, the costs required to prosecute these claims, and the period of time required to litigate this matter, it is my opinion that counsel with the experience and qualifications needed to perform the work and to make the investment required in this case would have found this endeavor unattractive from a cost and risk perspective, considering the out-of-pocket expenses advanced by Plaintiffs and the fact that class counsel's compensation was entirely contingent upon prevailing in this action.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct.

Executed this 30<sup>th</sup> day of November 2021 in Jackson, Mississippi

*s/ Michael J. Bentley*\_\_\_\_\_

Michael J. Bentley

*Attorney for Plaintiffs*



## Michael J. Bentley

### Partner



Michael Bentley is a partner in the Jackson, Mississippi office, where he concentrates his practice on appeals and litigation, with an emphasis on class actions and complex commercial disputes. He has been recognized by *Chambers USA*, *The Best Lawyers in America*®, and *Benchmark Litigation* as one of Mississippi's leading litigators and appellate practitioners.

Michael regularly serves as lead appellate counsel. His role as such frequently begins at trial where he assists in developing legal strategy, handles critical motions, and advises on error-preservation. He has presented oral argument in numerous appeals, including *Mullinnex v. Menard*, a case establishing Vermont's pre-suit exhaustion requirements for prisoner class actions, *Express Oil Change, LLC v. Mississippi*, which struck down a state ban on the use of a trade name and service mark as unconstitutional restriction on commercial speech, and *Araujo v. Bryant*, upholding the constitutionality of Mississippi's charter school law. In addition to his active appellate practice, Michael serves on the Board of Governors for the Fifth Circuit Bar Association. Prior to joining the firm, Michael clerked for Judge Leslie H. Southwick at the Fifth Circuit Court of Appeals.

His litigation experience ranges from class actions and commercial disputes to tax protests, premises liability cases, zoning contests, Section 1983 civil rights suits and constitutional claims. Michael has extensive experience in healthcare litigation, including defense of private correctional healthcare providers operating in state prison systems. He recently served as lead counsel on medical and mental healthcare claims in *Dockery v. Hall*, a six-week federal class action trial that resulted in a defense judgment for his client. He has also represented healthcare providers in regulatory investigations, administrative proceedings, and litigation.

From 2000 to 2004, Michael served in state government, first as an aid to Mississippi Gov. Ronnie Musgrove and later as office manager for the State Superintendent of Education. As a member of the governor's staff, Michael was responsible for constituent communications and legislative affairs; he was also the governor's liaison to county and municipal governments.

In addition to his law practice, Michael remains active in bar associations and community organizations, having served on the boards of the Mississippi

### Jackson

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mbentley@bradley.com

### Practices

Appellate

Litigation

Class Action & Complex Litigation

Healthcare Litigation

### Education

Mississippi College School of Law,  
2007, *summa cum laude*, J.D.

Millsaps College, 2000, *magna cum laude*, B.A.

### Licensed In

Mississippi

### Admitted In

United States Supreme Court

United States Court of Appeals, 4th  
Circuit

United States Court of Appeals, 5th  
Circuit

United States Court of Appeals, 11th  
Circuit

United States District Court,  
Northern District of Mississippi  
United States District Court,  
Southern District of Mississippi

### Clerkships

Symphony Orchestra, Mississippi Association of Partners in Education, and the Millsaps College Arts & Lecture Series. He has been recognized by the *Mississippi Business Journal* as a “Leader in Law” (2020) and one of Mississippi’s “Top 40 Under 40” business leaders (2014). In 2011, he was named “Young Lawyer of the Year” by his alma mater, Mississippi College School of Law, for his contributions to the legal community.

United States Court of Appeals, 5th Circuit

Michael graduated *summa cum laude* from Mississippi College School of Law, where he served as articles editor for the *Mississippi College Law Review* and was a member of the Moot Court Board, and graduated *magna cum laude* with a B.A. in political science from Millsaps College.

## Experience

## Featured Cases



Bradley Wins Reversal of \$14 Million Jury Verdict Against American Optical  
PRODUCT LIABILITY



Amicus Brief: Low-Income Parties Shouldn't Pay a "Pauper's Price" for Access to Federal Courts



Bradley Partner Michael Bentley Helps Give Teenaged Convict a Second Chance

### APPELLATE LITIGATION

#### ***Mullennix v. Menard*, 236 A.3d 171 (Vt. 2020)**

Successfully represented state corrections officials and private healthcare provider in reversing trial court's certification of a statewide prisoner class challenging Vermont's medication-assisted treatment program for opioid dependent inmates.

#### ***O'Bryant v. Walgreen Co.*, 802 Fed. Appx. 826 (5th Cir. 2020)**

Successfully represented store owner in premises liability suit by customer

seeking damages for injuries sustained when he was struck by another customer's car outside of the store.

***Araujo v. Bryant*, 283 So. 3d 73 (Miss. 2019)**

Successfully represented charter school in suit establishing constitutionality of Mississippi's charter school law.

***Express Oil Change, LLC v. Miss. Bd. Of Licensure for Prof'l Engineers & Surveyors*, 916 F.3d 483 (5th Cir. 2019)**

Successfully represented regional automotive services provider in constitutional commercial speech challenge to state's ban on company's use of the "Tire Engineers" trade name and service mark.

***Regions Financial Corporation v. Patricia Hall Sheppard, et al.*, No. 2017-CA-00619-SCT (Miss. S. Ct. 2018)**

Lead counsel in appeal of \$6.4 million judgment against bank in breach of trust case alleging principal disbursements in violation of trust terms, and assisted in negotiation of settlement after oral argument.

***Vann v. City of Southaven*, 884 F.3d 307 (5th Cir. 2018)**

Successfully petitioned for en banc rehearing of decision denying qualified immunity to police officer involved in fatal shooting of suspected drug dealer.

***TNHYIF REIV Golf LLC v. Forrest Cty.*, 275 So. 3d 92 (Miss. Ct. App. 2018)**

Successfully represented multi-family property owner in taxpayer appeal challenging county assessor's use of hypothetical valuation model.

***Chamberlin v. Fisher*, 885 F.3d 832 (5th Cir. 2018) (en banc)**

Pro-bono appellate counsel for death row inmate in federal habeas appeal challenging discrimination in jury selection.

***JRA One, LLC v. City of Ridgeland*, No. 2016-CA-00079-SCT (Miss. S. Ct. 2017)**

Lead trial and appellate counsel for multi-family property owner in constitutional challenge to zoning ordinance restricting density in residential districts, which was settled after briefing in Supreme Court

***Lefoldt v. Horne, L.L.P.*, 853 F.3d 804 (5th Cir. 2017)**

Successfully represented auditing firm in appeal in case of first impression regarding public hospital's authority to enter binding arbitration agreement with its auditor.

***American Optical Corp. v. Estate of Rankin*, 227 So. 3d 1062 (Miss. 2017)**

Successfully represented respirator manufacturer in appeal of \$14 million jury verdict for worker alleging harmful exposure to silica.

***Thomas v. Chevron U.S.A., Inc.*, 212 So. 3d 58 (Miss. 2017)**



Lead appellate counsel for premises owner in appeal of case of first impression regarding immunity afforded by statutory employer provision of Mississippi Workers' Compensation Act to owner who obtains Owner Controlled Insurance Program (OCIP).

***New Orleans Glass Co. v. Roy Anderson Corp.*, 632 Fed. Appx. 166 (5th Cir. 2015)**

Successfully represented general contractor in appeal from order denying arbitration, obtaining reversal and order compelling arbitration in construction dispute with condominium owners.

***Kinsale Ins. Co. v. Georgia-Pacific LLC*, 795 F.3d 452 (5th Cir. 2015)**

Successfully represented policyholder in appeal from an adverse insurance-coverage decision. In a case of first impression, the appellate court adopted policyholder's position that an "insured versus insured" exclusion in a CGL policy does not bar coverage for pass-through indemnity claims among insureds.

***Otis Elevator Co. v. W.G. Yates & Sons Construction Co.*, 589 Fed. Appx. 953 (11th Cir. 2014)**

Successfully represented general contractor in appeal from a breach of contract judgment, winning reversal of judgment on subcontractor's failure to seek pre-bid clarification and remand for a new trial on contractor's damages.

***Baker & McKenzie, LLP v. Evans*, 123 So.3d 387 (Miss. 2013)**

Successfully represented international law firm in appeal of \$100 million legal malpractice verdict, the largest such verdict in Mississippi history.

**GENERAL AND COMMERCIAL LITIGATION**

***Reeves v. Gunn*, 307 So. 3d 436 (Miss. 2020) (en banc)**

Represented the governor of Mississippi in successful appeal affirming governor's power to exercise line-item veto on appropriations bill and limiting legislators standing to challenge gubernatorial vetoes.

***Heritage-Cyrstal Clean, LLC v. Grigsby*, 3:20-cv-145 (S.D. Miss. 2021)**

Represented environmental services company in suit to enforce non-compete agreement with former branch manager who joined competitor company.

***Dockery v. Hall*, 443 F. Supp. 3d 726 (S.D. Miss. 2019)**

Lead trial counsel on healthcare, mental healthcare, and solitary confinement claims in six-week class action trial challenging conditions of confinement at state prison.

***In re Benford*, No. 2017-043 (Miss. Dental Board 2018)**

Counsel for dentist in regulatory enforcement proceeding challenging extraction practices.

Lead counsel for environmental services company in suit alleging breach of lease agreement and environmental contamination.

***In re Burnham's Vital Care, Inc. (Miss. Div. of Medicaid 2017)***

Counsel for specialty pharmacy in successful administrative appeal of insurer's failure to fully reimburse pharmacy for home-infusion therapy drugs as required by state law.

***Phillips v. Miss. Power Co., No.113-0082 (Miss. Circuit Ct. 2017)***

Lead trial counsel for pipeline contractor in suit by landowner alleging trespass and false arrest.

***Otis Elevator Co. v. Yates & Sons Construction Co., 2016 WL 826731 (N.D. Ala. 2016)***

Trial counsel for general contractor in successful suit for damages and attorneys' fees following appellate reversal of verdict for subcontractor who installed incorrect escalators.

***Town of Gloster, Miss. v. Georgia-Pacific, LLP, No. 12-cv-066-J (Miss. Circuit Ct. 2013)***

Trial counsel for plywood-plant operator Georgia-Pacific in suit alleging commercial property losses exceeding \$10 million. Case settled successfully.

## Accolades

- Listed in *The Best Lawyers in America*®
  - Appellate Practice, 2019-2022
  - Commercial Litigation, 2017-2022
  - Litigation – Construction, 2019-2022
  - Litigation – Land Use and Zoning, 2019-2022
- Listed in *Chambers USA*, Litigation: Appellate, 2020-2021
- Listed in *Mid-South Super Lawyers*
  - Appellate, 2020
  - "Rising Star," Appellate, 2014-2017
- Listed in *Benchmark Litigation*
  - "Under 40 Hot List," 2016-2018
  - "Future Star," Mississippi, 2015-2016, 2018-2021
- Listed in *Mississippi Business Journal's* "Top 40 Under 40," 2014
- Adjunct Professor of Legal Writing, Mississippi College School of Law, 2008-2011

## You May Not Know

Michael is a native of Meridian, Mississippi, and a third generation graduate of Millsaps College, where he played varsity golf. Before law school, Michael served as an aide to Gov. Ronnie Musgrove, where he learned the ins and outs of Mississippi government. Today, Michael lives in Fondren with his wife, Sarah, and their two sons, Rabb and Lewis. He is an avid reader of history and presidential biographies. In his spare time, Michael coaches moot court at Mississippi College School of Law.

## Professional & Community Activities

American Bar Association

Mississippi Bar Association

Appellate Practice Section, Chair, 2013-2014

Young Lawyers Division, Board of Directors, 2011-2013

Fifth Circuit Bar Association, Board of Governors, 2014-present

Capital Area Bar Association

Jackson Young Lawyers Association, President, 2013-2014

Mississippi Association of Partners in Education

President, 2012-2014

First Vice-President, 2010-2012

Board of Directors, 2009-2010

Millsaps College Arts and Lecture Series

Vice President for Membership, 2012-present

Board of Directors, 2011-present

Charles Clark Chapter of American Inns of Court, 2010-2012



Bradley Arant Boult Cummings LLP

Bradley Pro Bono

September 21, 2021  
Invoice No. 1511685

Matter No. 999000-301268  
Re: ABetterChildhood

For professional services posted through July 31, 2021

Current Invoice Summary	
-------------------------	--

Current Professional Services	\$972.00
Current Expenses	\$0.00
<b>Current Invoice</b>	<b>\$972.00</b>

Thank you for your business.



Bradley Arant Boult Cummings LLP

## Invoice Detail

Bradley Pro Bono  
Re: **ABetterChildhood**

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September 21, 2021

Invoice No. 1511685

Matter No. 999000-301268

For legal services posted through July 31, 2021

### Professional Services

Date	Description	Tkpr	Hours	Rate	Amount
1/11/21	TCs M. Bentley, J. Heidelberg re Judge Ozerden, future proceedings.	WWD	0.40	450.00	180.00
1/11/21	Conference with W.Drinkwater regarding case reassignment and strategy given new presiding judge	MJB	0.20	325.00	65.00
2/4/21	Electronically submit motion for attorney fees and expenses, along with supporting memorandum to court for filing and service	JGAL	0.50	120.00	60.00
2/24/21	Electronically submit reply to motion for attorney fees to court for filing and service	JGAL	0.30	120.00	36.00
4/5/21	TC M. Bentley re possible settlement discussions. conference call with Marcia.	WWD	0.20	450.00	90.00
4/5/21	TC M. Lowry, Anastasia re meeting with state officials, possible settlement discussions.	WWD	0.40	450.00	180.00
4/5/21	Analyze need to inform court regarding potential for renegotiating MSA	MJB	0.20	325.00	65.00
5/12/21	Review email regarding status/scheduling conference and update calendar accordingly	JGAL	0.30	120.00	36.00
5/19/21	Attend status conference with Judge Ozerden and all counsel	MJB	0.50	325.00	162.50
6/11/21	Conference with M.Lowry to prepare for settlement conference and discuss remedies provision for possible settlement agreement	MJB	0.30	325.00	97.50

**Total Professional Services**

**\$972.00**



Bradley Arant Boult Cummings LLP

Bradley Pro Bono  
Re: **ABetterChildhood**

Matter No. 999000-301268

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September 21, 2021

Invoice No. 1511685

For legal services posted through July 31, 2021

### Timekeeper Summary

Timekeeper	Initials	Title	Hours	Rate	Amount
Michael J. Bentley	MJB	Partner	1.20	\$325.00	\$390.00
Wayne Drinkwater, Jr.	WWD	Partner	1.00	\$450.00	\$450.00
Jeannette Altobelli	JGAL	Paralegal	1.10	\$120.00	\$132.00
<b>Total Professional Services</b>					<b>\$972.00</b>



Bradley Arant Boult Cummings LLP

Bradley Pro Bono

September 21, 2021  
Invoice No. 1511685

Matter No. 999000-301268  
Re: ABetterChildhood

### Outstanding Invoice Summary

Outstanding Invoices as of September 21, 2021

Invoice Date	Invoice Number	Invoice Amount	Credits	Balance Due
7/23/18	1270218	\$11,840.00	\$0.00	\$11,840.00
7/9/19	1344714	\$3,408.00	\$(779.65)	\$2,628.35
12/26/19	1383984	\$3,519.00	\$0.00	\$3,519.00
8/19/20	1423657	\$2,745.50	\$0.00	\$2,745.50
1/8/21	1462348	\$1,320.50	\$0.00	\$1,320.50
9/21/21	1511685	\$972.00	\$0.00	\$972.00
Outstanding Invoices as of September 21, 2021				<b>\$23,025.35</b>

**Payment Terms: 30 days from the billed date. Invoices over 30 days aged are considered past due.**

Federal Tax ID: 63-0243316

#### Electronic Funds Transfer (EFT) Payments to:

Bank Name: Regions Bank  
Account Name: Bradley Arant Boult Cummings LLP  
(ACH) Routing Number: 062000019  
Account Number: 0064289141  
  
(Wires) Routing Number: 062005690  
Account Number: 0064289141  
SWIFT Code (International Use Only): UPNBUS44

#### Check Payments to:

Bradley Arant Boult Cummings LLP  
Post Office Box 830709  
Birmingham, AL 35283-0709

(Please include remittance information with check.)

(Please reference the matter number, invoice number,  
and/or attorney contact in the remarks section.)



## W. Wayne Drinkwater

### Partner



Wayne Drinkwater has extensive experience in major business, commercial and constitutional litigation. Over the years, he has tried some of Mississippi's most significant cases. Wayne has also handled more than 70 appeals, arguing more than 30 of them in state and federal courts across the United States.

A former law clerk of Chief Justice Warren Burger at the Supreme Court of the United States, Wayne is a Fellow of the American College of Trial Lawyers, a Fellow of the American Academy of Appellate Lawyers, and an Advocate of the American Board of Trial Advocates. He is included in *The Best Lawyers in America*® in four litigation fields. He is also recognized as a Star Individual in the field of Commercial Litigation by *Chambers USA: America's Leading Lawyers for Business*.

### Experience

### Featured Cases



Bradley Wins Reversal of \$14 Million Jury Verdict Against American Optical  
PRODUCT LIABILITY

#### GENERAL EXPERIENCE

##### ***American Optical Corporation v. Estate of Robert Lee Rankin Sr. (Miss. 2017)***

Successfully represented American Optical Corporation (AO) in an appeal of a \$14 million jury verdict. A former construction worker filed a complaint in Jefferson County Circuit Court alleging an injury of "lung disease and silica related conditions caused by exposure to respirable crystalline silica" while using respirators that AO manufactured. On appeal, the Mississippi Supreme Court reversed the \$14 million jury verdict, vacated the judgment and rendered final judgment as a matter of law in favor of AO.

##### ***Major Mart, Inc. v. Mitchell Distributing Company, Inc., 3:13-cv-942***

#### Jackson

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wdrinkwater@bradley.com

### Practices

Litigation

Class Action & Complex Litigation

Environmental & Toxic Tort Litigation

Product Liability

Appellate

Securities & Shareholder Litigation

### Education

University of Mississippi School of Law, 1974, *summa cum laude*, J.D.

University of Mississippi, 1971, *summa cum laude*, B.A.

### Licensed In

Mississippi

### Admitted In

Supreme Court of the United States  
United States Court of Appeals, 5th Circuit

United States Court of Appeals, 6th Circuit

United States Court of Appeals, 11th Circuit

United States District Court,  
Northern District of Mississippi

United States District Court,  
Southern District of Mississippi

United States District Court, Eastern



After a 17-day jury trial, obtained a jury verdict and final judgment in favor of a beer distributor in a federal antitrust case brought by a convenience store chain alleging monopolization, attempted monopolization, price discrimination, and state law torts.

***Plaintiffs Shareholders Corporation v. Southern Farm Bureau Life Insurance Co.***

Represented a defendant life insurance company in a securities fraud and breach of contract suit involving the sale of a convertible debenture. After a six-day trial before a three-judge arbitration panel, won a final award in favor of the life insurance company on all claims.

***Wilbourn v. Wilbourn*, 106 So. 3d 360 (Miss. App. 2012), cert. denied 105 So. 3d 326 (Miss. 2013)**

In a 19-day trial, won a judgment for individual clients in breach of fiduciary duty litigation involving a testamentary trust and control of a bank holding company. On appeal to the Court of Appeals of Mississippi, the judgment was affirmed in its entirety.

***The Sherwin-Williams Co. v. Gaines*, 75 So. 3d 41 (Miss. 2011)**

Won reversal of a \$7 million judgment against a paint manufacturer in a case alleging exposure to lead paint. In reversing the judgment, the Supreme Court of Mississippi found that the plaintiff failed to prove that his alleged injury had been caused by the manufacturer's lead paint, and that plaintiffs' expert testimony was unreliable.

***Harrison v. Tyson Breeders, Inc.*, 91 So. 3d 41 (Miss. Ct. App. 2011)**

Represented a poultry company on claims of breach of contract, fraud and negligence arising out of alleged violation of grower contract. Obtained a defense verdict on the tort claims and a nominal damage award on the contract claim. The Mississippi Court of Appeals affirmed the verdict on the tort claims and reversed the damage award on the contract claims.

***Marble v. Diviney Construction Co.*, 60 So. 3d 797 (Miss. 2011)**

Obtained reversal of \$2.5 million jury verdict against Deviney Construction Company in the Mississippi Supreme Court.

***Hartman v. McInnis*, 996 So. 2d 704 (Miss. 2007)**

Appealed a deficiency judgment in a breach of contract action, obtaining a victory for the client.

***Microtek Medical, Inc. v. 3M Co.*, 942 So. 2d 122 (Miss. 2006)**

Successfully represented medical products company against suit arising out of supplier contract.

***Olivia Y ex rel. Johnson v. Barbour*, 2006 WL 5187653 (S.D. Miss. Aug. 29,**

## Clerkships

Supreme Court of the United States,  
Chief Justice Warren E. Burger,  
1976-1977

United States District Court,  
Northern District of Mississippi, Chief  
Judge William C. Keady, 1974-1976

2006)

Successfully represented a class of abused and neglected children in a case challenging the constitutionality of Mississippi's foster care program.

**3M Co. v. Johnson, 895 So. 2d 151 (Miss. 2005)**

Successfully represented a disposable respirator manufacturer in an appeal of a \$125 million jury verdict rendered in asbestos litigation. The Supreme Court of Mississippi reversed the judgment and dismissed the suit with prejudice.

**Titan Indemnity Co. v. Hood, 895 So. 2d 138 (Miss. 2004)**

Part of appellate team that won reversal of an \$82 million jury verdict in a breach of contract and agency agreement suit against an insurer.

**Herrington v. Leaf River Forest Products, Inc., 733 So. 2d 774 (Miss. 1999) and Prescott v. Leaf River Forest Products, Inc., 740 So. 2d 301 (Miss. 1999)**

Represented a paper company in a series of cases in which plaintiffs complained of the discharge of dioxins into a river system; obtained summary judgments in favor of the paper company in the trial court and affirmances on appeal to the Supreme Court of Mississippi.

**Mississippi University for Women v. Hogan, 458 U.S. 718 (1982)**

Successfully represented plaintiff challenging constitutionality of university single sex enrollment policy.

## Accolades

- American College of Trial Lawyers, Fellow
- American Academy of Appellate Lawyers, Fellow
- American Bar Foundation, Fellow
- American Law Institute, Fellow
- Listed in *Chambers USA*
  - Litigation: Appellate, 2005-2021
  - Litigation: General Commercial, 2003-2021
- Listed in *Who's Who Legal: Product Liability Defence*, 2016-2020
- Listed in *The Best Lawyers in America*®
  - Appellate Practice, 2007-2022
  - Bet-The Company Litigation, 2007-2022
  - Business Litigation, 1997-2006
  - Commercial Litigation, 2006-2022
  - Mass Tort Litigation, 2007-2010
  - Mass Tort Litigation/Class Actions – Defendants, 2011-2022
  - "Lawyer of the Year," Jackson, Bet-the-Company Litigation, 2012, 2015
  - "Lawyer of the Year," Jackson, Litigation/Class Actions – Defendants,

- "Lawyer of the Year," Jackson, Appellate Practice, 2019
- Listed in *Benchmark Litigation*, "Local Litigation Star," Mississippi, 2008-2021
- Listed in *Benchmark Appellate*, "Appellate Star," Mississippi, 2012-2013
- Listed in *Mid-South Super Lawyers*
  - Business Litigation, 2006-2020
  - "Top 50," Mississippi, 2012-2020
- BTI Client Service All-Star, 2019-2020

## Professional & Community Activities

American Board of Trial Advocates, Advocate

Product Liability Advisory Council, Sustaining Member

Lawyers Committee for Civil Rights Under Law, Board of Trustees

Episcopal Diocese of Mississippi, Vice Chancellor

Mississippi Bar Foundation, Trustee

Supreme Court Historical Society, State Chair